

CHARLOTTE DIVISION

IN RE:

TAX ID #: 46-2871952**Debtor(s)**

OBJECTION TO ORDER DIRECTING

The Office of the Bankruptcy Administrator for the Western District of North Carolina (“Bankruptcy Administrator”) objects to the Court’s *Order Directing Bankruptcy Administrator to Appoint Ombudsman* and says:

1. This is a Chapter 11 proceeding in which a voluntary petition was filed on February 6, 2017.
2. The Debtor's petition indicates that the nature of its business is a health care business.
3. On February 16, 2017, the Court entered an *Order Directing Bankruptcy Administrator to Appoint Ombudsman* pursuant to 11 U.S.C. § 333(a).
4. As of the filing of this objection, no schedules have been filed. However, upon information and belief, the Debtor does not provide shelter and sustenance to its patients.
 - a. The Court in *In re 7-Hills Radiology, Inc.*, 350 B.R. 902, 2006 Bankr. LEXIS 2352 at 8 held that the types of health care businesses contemplated under the definition of a health care business are those that involved "direct and ongoing contact with patients" and provided "shelter and sustenance in addition to medical treatment."
 - b. The Bankruptcy Court in the Middle District of North Carolina followed the rationale of *In re 7-Hills Radiology, Inc.* and held that

Based on evidence presented at the hearing, the Debtor's dental practice does not provide patients with shelter and sustenance in addition to medical treatment, and is plainly not within the range of health care businesses anticipated by the statute.

In re Anne Banes, D.D.S., P.L.L.C., 355 B.R. 532, 2006 Bankr. LEXIS 3194 at 535.

Wherefore, the undersigned requests that the Court not require the Bankruptcy Administrator to appoint an ombudsman pursuant to 11 U.S.C. 333(a) in the Debtor's case and for such other and further relief as the Court deems just and proper.

This the 23rd day of February 2017.

/s/Alexandria P. Kenny
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**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

IN RE:)	
)	Case No.: 17-30204
DIABETES ENDOCRINOLOGY & METABOLISM ASSOCIATES, PA)	Chapter 11
)	
)	
TAX ID #: 46-2871952)	
Debtor(s))	

CERTIFICATE OF SERVICE

The undersigned certifies that the pleading(s) or paper(s) to which this Certificate is affixed was served upon the party(s) to this action listed below by depositing a copy of the same, enclosed in a first-class postpaid, properly addressed wrapper, in a Post Office or official depository under the exclusive care and custody of the United States Postal Service and/or by means of the Electronic Filing System of the Bankruptcy Court on February 23, 2017.

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Dennis M. O'Dea
- Served electronically

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